

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re. PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Civil Action No. 01-12257-PBS
LITIGATION)	
)	Hon. Patti Saris
THIS DOCUMENT RELATES TO THE)	
AMENDED MASTER CONSOLIDATED)	
CLASS ACTION)	
)	

**THIRD STATUS REPORT OF UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES CONCERNING SUBPOENA
FOR MEDICARE BENEFICIARY DATA, TRACK 1, CLASS 1**

The United States Department of Health and Human Services (HHS), through its undersigned counsel, respectfully submits this third report to the Court concerning the subpoena duces tecum dated June 19, 2006, which seeks Medicare beneficiary information relevant to the drugs at issue with respect to Track 1, Class 1.

The Centers for Medicare & Medicaid Services (CMS) is on schedule for completing the production of data on or before January 5, 2007. The CMS is currently running the relevant drug codes through the 15 years' of the three data file categories (carrier, outpatient, and durable medical equipment (DME)). Once this process is complete, CMS will extract the pertinent electronic data files with the Health Insurance Claim Numbers (HICNs), cleanse the files of duplication and perform certain other operations, and then run them against the eligibility data to get the final name and address

data. At this time the CMS is unaware of any obstacles that might interfere with meeting the January 5, 2007, milestone.

Respectfully submitted,

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By: /s/ George B. Henderson, II
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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above “Third Status Report of United States Department of Health and Human Services Concerning Subpoena For Medicare Beneficiary Data, Track 1, Class 1” to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: August 15, 2006

/s/ George B. Henderson, II
George B. Henderson, II